

City Council Work Session

5:30 PM
Council Chambers
October 17, 2011

ATTENDANCE:

Mayor/Council (please check) x Hanel, x Ronquillo, x Gaghen, x Cimmino, x Pitman, x McFadden, x Ruegamer, x Ulledalen, ☐ McCall, x Astle, x Clark.

ADJOURN TIME: 7:20 p.m.

Agenda

TOPIC #1	New Library Building Update
PRESENTER	Bill Cochran
NOTES/OUTCOME	

- Bill Cochran: introduced people who have been working on the campaign.
- Stella Fong, 806 Poly Drive: co-chair the committee to build a new library. Efforts to raise \$5 million to decrease the amount of bond. Endorsements from County Commissioners, Chamber of Commerce, BSEDA, Billings Architectural Association, Billings Association of Realtors, , Yellowstone Citizen Council, Teamsters Local 190 and the Billings Gazette. This broad backing is unprecedented. Capital campaign announces: \$4.8 million raised to date.
- Ruegamer: expect donations to increase if the bond passes?
- Stella: certainly hope so.
- Bill: another design meeting at 7 tonight. Another public input session at the Heights Task Force meeting this month.
- Public comments: none

TOPIC #2	NorthWestern Energy Street Light Maintenance
PRESENTER	Brent Brooks, Dave Mumford, Debbie Singer
NOTES/OUTCOME	

- Tina: introduce Brent, Dave and Debbie Singer who will present.
- Brent Brooks: issue assignment came from a Councilmember Astle initiative asking if payment to NWE can be withheld due to non-maintenance. The answer is no, but there may be an alternative. Authority for SILMDs is in statute. NWE contracts are outdated; repairs within reasonable time after complaint; no provision for withholding payment. Bill is delinquent within 10-30 days after mailing. Common contract duration is (two) 2 years 11 months, automatic renewal, although some contracts are (three) 3 years and can't explain why there is a difference. City owned district repair goal is 3-5 days after receiving notice and NWE is 10 working days. Described the assessment process. NWE

can issue a credit for non-working lights. Recommendation to get all districts into one, master agreement.

- Ulledalen: future districts created would go into master agreement automatically?
- Brent: would be one way to do it.
- Astle: how does NWE obtain notice?
- Brent: some contracts require police to report and some allow individual citizens or city to make complaint.
- Dave Mumford: Public Works (PW) goal for repair is 3-5 days from notice but can change due to weather, location of lines, etc. Most complaints come from citizens. PW puts together the assessments, working with NWE about what is needed for power and maintenance.
- Astle: (two) 2 blocks of Broadwater are out – 12th to almost 15th.
- Clark: how is it decided which entity owns the district?
- Dave: arterials are usually ours and developments are usually NWE because they front the construction cost and assess property owners over many years.
- Pitman: best course is for citizens to contact PW?
- Dave: look at the pole and call or just call either city or NWE and we'll figure it out.
- Debbie Singer, 4140 Corbin Drive, and Pat Bristol, 130 Wrangler Trail, Roundup MT: 4,300 street lights plus thousands of leased lights. Montana Department of Transportation (MDT) also has lights.
- Pat Bristol: complaint process usually comes from citizens, then from the city and then police. Information call center generates a work order, transmitted immediately, hand them out to night crews, determine what is needed, assign day service personnel if they're needed for longer term repairs. Simple replacement/repair can occur same day but more extensive ones can take weeks.
- Debbie: many line cuts for new driveways or new handicapped ramps and will work harder with contractors and the city to avoid them.
- Pat: need a call from city or contractors. Will replace then instead of having to track it down later under new concrete.
- Ronquillo: when did you start numbering poles and treating them?
- Pat: actively tagging poles for years; district number and pole number on two (2) tags, all our poles are tagged except in a new district. Injected foam will help stabilize poles.
- Astle: complaints to Rick Burt and Mumford; thankful for NWE's renewed attitude to get lights fixed.
- Pat: working on them but tough to assemble resources.
- Debbie: trying to report back to city about why a longer repair is taking place.
- Tina: thanks to NWE. Self reporting is important. Could probably put this info on the website or a link to NWE about reporting.
- Astle: Montana Power patrolled in the "old days." That probably created expectations about how things should be now.
- Pat: no provisions in any contracts to patrol, but crews are encouraged to spot and work on lights that are out.
- McFadden: put the contact phone numbers and procedures on the city website.
- Clark: can you also look at why districts are getting such varied assessment amounts.
- Debbie: district variations due to age, number of lights, area of district, installation cost, etc.

- Gaghen: would like the information about how districts are formed and assessed.
- Public comments: none

TOPIC #3	Zimmerman Trail Funding
PRESENTER	Dave Mumford
NOTES/OUTCOME	

- Dave Mumford: funding through feds on this project, need guidance from the City Administrator (CA) and Council. City would normally do the design, bidding and acquiring right of way on this project. Were preparing to do the project 2011-2012 but MDT changed the rules so that we don't do any of the items above but have to put up some of the money on the front end. City would be a reviewing agency. City could be a certified local agency but haven't finished that application process. Big difference between the two (2) options is that second method requires the city to pay all of the costs, including construction, and MDT and FHWA would reimburse based on audit findings. Candi Beaudry suggested that the MPO might work with the MDT to try a reversion to the old rules. Hands out email string. \$9 million - \$12 million project. A lot at risk under the 2nd scenario.
- Hanel: In option two (2) is there a problem getting money back from MDT?
- Dave: Missoula is the only one who has tried it and they ran into problems and didn't get 100% reimbursement.
- Tina: recommend MPO option before we try other approaches.
- Hanel: time limits on the availability of the money?
- Dave: no deadline but Senator Burns obtained the money and if the Federal Government decides this type of money has to return to Washington, we could lose it.
- Astle: vehicle load now and improved?
- Dave: 8,000 per day now, capacity won't change a lot with improvements.
- Ulledalen: too much risk in option two (2), lose control of the money and don't get anything back until after we do the project. Option one (1) depends on MDT proceeding and they may be slow or not do it at all. Any way to force them to work diligently on our project?
- Dave: problem with Option one (1) is scope creep. MDT may not agree with our preliminary designs and their design could raise the costs beyond our capacity. MPO option might do it, but don't know if it will work.
- Pitman: who at MDT is the final decision maker on the options?
- Dave: don't know the specific person but this is a new policy.
- Cimmino: Zimmerman Trail on state system and classified as an urban route. Six (6) years of no movement on the project. Need to move forward now.
- Dave: scoping work was done but couldn't proceed because Council decided we couldn't pay IDCs. Staff put it back into the CIP for this year.
- Ulledalen: problem with MDT is two (2) levels; director level and entrenched bureaucracy. Bureaucracy sees declining federal funds and is trying to keep more money in the department to pay their costs and keep people employed. Not confident that MPO option will work but we need to try it.
- Pitman: go through the process. Not necessary for MDT to put all cities in the same basket.
- Clark: if we had done the project with local money, what would the cost be?

- Dave: less than \$9 million. Design and construction would be less under our rules vs. state/federal.
 - Tina: wasn't our road until 2006, before then belonged to the county.
 - Pitman: how much money is still available? How much have we spent to study Zimmerman Trail and Inner Belt Loop options?
 - Dave: \$7.2 million available. Only money taken out was a charge from DOT. Don't know how much we've spent in total but will check and report.
 - Ulledalen: city built King Avenue West near Shiloh. Wasn't city cost less than half of the state cost for Shiloh?
 - Dave: \$4 million/mile compared to \$10 million/mile for the state.
 - Astle: how long is the current bonded term? May want to proceed sooner with a bond?
 - Tina and Dave: Alkali Creek, Zimmerman Trail and South Billings Blvd. probably until 2018 or 2019. Don't know how we would retire existing bonds but can look at it.
 - Ulledalen: that's the point; city would have to package several projects to make any of them succeed.
 - Public comments: none
- Council direction? Ronquillo – see if MPO/PCC can get reversal from MDT. Consensus decision and direction to staff

TOPIC #4	Yard Waste Recycling
PRESENTER	Dave Mumford
NOTES/OUTCOME	

- Dave: map showing where there are barrels and where there aren't and what is being covered this winter. Had a setback with some of the trucks to get the pickup arms to work properly. Apologize, thought we would have been done by now. Currently have about 9,000 barrels out; lots of new interest since announcing that city won't pick leaves from the streets/gutters.
- Ronquillo: how many did we lose last year from snow, ice, etc? 3,100?
- Dave: no significant loss but will check.
- Hanel: barrels get abused in alleys?
- Dave: yes, they're hidden from public view plus there is limited space in alleys so they get banged around.
- Astle: my neighborhood got barrels a couple of months ago; going to make it mandatory?
- Dave: no plans to be mandatory, it is a voluntary recycle program. We will have a November presentation on the land fill.
- Clark: City is leveling a big space at the landfill; what is it?
- Dave: new cell preparation. Working on the hazardous waste collection area near Hillcrest.
- Tina: received my barrel in the last few weeks, note included that commercial mowers should not use the barrels; only for homeowner use. May explain why some in a neighborhood have barrels and others don't.
- Ronquillo: seeing more dumping in the alleys due to charging at the landfill.
- Dave: charging for truck and trailer (\$5) but not for a truck only – recent policy change, within the past week.
- Pitman: is the fire at the landfill out?

- Dave: yes, out on Friday night.
- Ronquillo: sugar factory is operating and streets get muddy. Do we charge them for extra sweeping? Reimbursements for flood? Residents nearby have white dust on Saturdays, no action by health department yet.
- Dave: city asks them to help sometimes with their loaders, but city sweeps without additional charges. Haven't received anything from them yet for the flood, but still working on it.
- Hanel: progress on getting emergency power at plant?
- Dave: ready for bid and should be installed this winter.
- Ruegamer: subject is yard waste recycling. When will you be done?
- Dave: next summer. Are continuing to mail announcements to those areas that aren't served.
- Pitman: request one if barrels are in the area?
- Dave: yes, just call.
- Public comments: none

TOPIC #5	Holiday Schedule
PRESENTER	
NOTES/OUTCOME	

- Tina: Two (2) items. QTA tour last week, very interesting. Airport would like for Council to tour. October 31 is a 5th Monday. Want to tour at 4:00? Christmas holiday schedule suggestion that council have a work session on December 5th and regular meetings on December 12th and 19th and no meeting Christmas week. January 2nd is also a holiday, so offices will be closed, but could meet on January 3rd.
- Clark: when will city install new Councilmembers?
- Tina: Two (2) years ago, council had a special meeting at the first January work session so that new members could vote at the regular business session.
- Ronquillo: should do that again.
- Tina: January 3rd special meeting to install new Councilmembers and then the work session. Will do a second ceremony at the January 9th business meeting.
- Public comments: none

Additional Information:

Other public comments:

Frank Keele, 2114 11th Street North: nothing getting done on towing contract. Same thing happening again, no action after last council meeting.

Tina: broad overview: meeting held, staff decision to sever the emergency towing from the regular police towing. Liz KampaWeatherwax had family commitments and took vacation. Will have to get specific dates from her.

Ronquillo: Billings Times said that all bids were cancelled.

Tina: previous bidding request was cancelled.

Kevin Nelson, 4235 Bruce Avenue: do a better job with staff time. Have Steve Zeier handle the downtown district in addition to the south and east districts. Save about \$300,000 by eliminating the Downtown Billings Partnership (DBP). Eliminate conflicts of interest.

Realtors trying to lease property on Montana Avenue where the new parking garage will be built are on the DBP board. Tina is on the board and administers the budget for that board. Having Steve manage the districts would eliminate those conflicts.

Don Blyton, 2212 Main Street: urge Council and Tina to set up a rotation system, not with this bid. Need tows equally spread among all towers.

Gaghen: how many in your organization?

Don: Ten (10) members, three (3) towers who don't belong. Dispatch has no problem working with another rotation system.

Gaghen: would the three (3) non participants be in the rotation?

Don: convinced that they would participate in the rotation and then join the association.

Tom Ruschkewicz, 310 South Billings Blvd.: May meeting with Council and police department. Still waiting for an answer. Set a deadline?

Tina: explanation for why a bid is needed.

Astle: bid only for when we need to preserve evidence.

Cimmino: any way that we can have a guaranteed fee schedule in a rotation?

Don: yes, think that we can. Set a fee and if tow company doesn't want to do the tow for that amount, they pass.

McFadden: do rotation towers understand they get paid a flat fee for the work and do they realize that they have to secure the vehicle?

Don Blyton: tow is to the Police Department (PD) impound lot and usually accompanied by a police officer.

Tina: will check with the PD about that.

From: Neville, Gary [mailto:gneville@mt.gov]
Sent: Tuesday, September 20, 2011 3:49 PM
To: Heisler, Vern
Cc: Streeter, Stefan; Wherley, Michael; Skinner, Jim; Zanto, Lynn (MDT)
Subject: RE: Zimmerman Trail and LAG Certification

Vern – See answers below in **green**. I might point out that to some degree this information (LAG) is in a bit of flux (needing some refinements), but its true for the moment and likely would not change enough for you to reconsider any decisions you might make based on the following information . Sorry that I didn't instantly respond but there were discussions and information that was recently was passed around. And please, to those of you who are receiving this email too, if I have misstated something speak up.

Gary

From: Heisler, Vern [mailto:HeislerV@ci.billings.mt.us]
Sent: Wednesday, August 31, 2011 4:05 PM
To: Neville, Gary; Streeter, Stefan
Subject: RE: Zimmerman Trail and LAG Certification

Is there anything new on this one? I haven't heard anything since Gary's last e-mail. Thanks.

Vern

From: Neville, Gary [mailto:gneville@mt.gov]
Sent: Friday, June 24, 2011 2:05 PM
To: Heisler, Vern
Cc: Streeter, Stefan; Wherley, Michael; Skinner, Jim
Subject: RE: Zimmerman Trail and LAG Certification

Vern – We are going have a little internal discussion about this before we answer. We will provide you with an answer next week.

Gary

From: Heisler, Vern [mailto:HeislerV@ci.billings.mt.us]
Sent: Friday, June 24, 2011 11:32 AM
To: Neville, Gary
Cc: Streeter, Stefan
Subject: RE: Zimmerman Trail and LAG Certification

Gary,

I have a few follow-up questions for the two scenarios in addition to the information you provided:

1. MDT took the lead on the project and the city served as a cooperating agency, or
2. The City took the lead through the LAG certification.

In each case,

Who would pay the match for the federal funding?**[Neville, Gary]** Since this Earmark was requested and received by the City of Billings the match would be the responsibility of the City.

Who would pay the cost for the overruns during construction?**[Neville, Gary]** The City.

When is the match required to be paid? **[Neville, Gary]** Up front.

In the LAG certification scenario, is the city required to pay for all costs up front and then be reimbursed at the end of construction?**[Neville, Gary]** That is correct, after the project is completed and certified that it has met all of the MDT and Federal requirements the City is reimbursed. **However** information I recently received was that we could set up the project in stages and based on completion and acceptance of those stages be reimbursed up through that point. Logically, at the moment I can think of only two stages, the PS&E package, and the construction completion. We would have an agreement in place identifying the different stages and conditions of reimbursement.

Thanks Gary.

Vern

Yard Waste Recycling Program 2011

